

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKHenry C. Hayes, III

13 CV 1641

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

-against-

The City of New Rochelle, NY475 North Ave.New Rochelle, NY 10801Police Department c/o:City of New RochelleCorporation Counsel515 NORTH AVE. New Rochelle, NY 10801Jury Trial: ☐ Yes ☒ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Henry C. Hayes, III

ID #

36202

Current Institution

W.C.D.O.C.

Address

P.O. Box 30Valhalla, NY 10595

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

New Rochelle Police Dept. Shield # _____

Where Currently Employed

Address

475 North Ave.New Rochelle, NY 10801

Defendant No. 2 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 3 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
W.C.D.C., please refer to additional
sheets of paper
- B. Where in the institution did the events giving rise to your claim(s) occur?
Dorm, please refer to additional sheets
of paper
- C. What date and approximate time did the events giving rise to your claim(s) occur?
NOV. 8, 2012. AT Approximately
10pm - 11am (sometime in between those
hours Approximately - 11/7/12 - 11/8/12).
please refer to additional sheets of paper

D. Facts: I was struck in the head. please refer to additional sheets of paper

What happened to you?

Who did what?

I don't know, hit me in the head. please refer to additional sheets of paper

Was anyone else involved?

A C.O. (must have) watched, did not do anything as he previously verbally recognized he could do. please refer to additional sheets of paper

Who else saw what happened?

I was asleep, (the C.O.) and I don't know. please refer to additional sheets of paper

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. My head ached for 2 months. My neck 2 months and 3 weeks. My ears, almost deaf. Both eyes knocked loose. Hurt for about 2 months. Hearing restored after 2 months. I received Tylenol, motrin and aspirin when needed. please refer to additional sheets of paper

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

W.C.D.O.C. please refer to additional sheets of paper

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? The C.O. didn't assist me in any way.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

W.C.D.O.C.

1. Which claim(s) in this complaint did you grieve? The C.O. saying he wasn't going to do anything if I was kept in hit.

2. What was the result, if any? I was hit by someone.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. Not accepted at first. Had to rewrite grievance. Then, noticed and moved.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____
- _____
- _____
- _____
- _____
- _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I'm seeking to have restored to me the same I had before I was struck. A clean record. A retraction printed. \$75,000.00. \$26,000,000.00 to cover 90 years of my life. \$4 million dollars donated to charity. \$300,000.00 per year. If not, this could cover any amount visible that was caused not to happen. 34 years and any additional years I may live after that. The first \$75,000.00 is an amount that any additional amount over that is accepted but not verified by these facts: twice charges for an attorney, lost wages, unemployment (twice), worker's compensation, medical malpractice lawsuit, \$1500.00 overpaid at the repositioning center and told the wrong way to file a lawsuit. please refer to additional sheets of paper.

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of February 2013

Signature of Plaintiff

Inmate Number

Institution Address

H.C. Hargis III
36202
W.C. D. O.C.
P.O. Box 10
Valhalla, NY 10595

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 15th day of February, 2013 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

H.C. Hargis III

1/8/13

1. How many seconds to Agree with any amount you agree with. \$1.00 per second (+ seek in damages).
2. 14 years thinking of incarceration (give or take a few months). Probation and incarceration.
3. [Falsely imprisoned, falsely arrested] Ran concurrent. 2 charges. (one, ran concurrent, 2 each charge separately - I'm thinking of).
4. A retraction printed. A clean rap sheet.
5. Money reimbursed to me.
6. New - Shoved into elevator. Later, not let go (thought I would be home). Judge postponed. D.A. agreed w/ sentence to proceed (+ day sentencing). Therefore, not guilty.
7. Given: attorney, only one allowed to speak. Plead guilty to case is going to be dismissed after completion of drug court (not, drug court and the end result of completion is charged dismissed - plea taken back).
8. Also, record shows this. No other offer and not guilty said by me.
9. 6 & 7 (Not Guilty).
10. Also, ran concurrent with drinking in public (Also, Motion to vacate sentence over

After time served given) - check the record.

12. [From bottom - read after: what they were here for. Also, picked up on a fake bench warrant].

① Officer was talking to himself. Passed by, looked up my name and circled around the street I was on. Last seen transportation to court, only a Mr. Hayes (and he told himself I knew I was going to say that). [Someone told me to be quiet in my early childhood - I was doing that. During this I realized I was doing that but above statement actually occurred].

② The guy told me to knock on the glass window. After I stop knocking on all of the windows [talking to himself - similar he didn't hear me. Maybe I said something different]. The building shifted back from where it was after it was hit one morning. Spoke to himself Now I do small-wrong/bad things. Invited me - thought I was a woman - in the night and charged it to the morning. (Window broke).

③ Last the 5 guys were talking to themselves because they attempted to want to tell me that they were Thugs and that this stop was what a thug was [and the other 5 officers was using what they were doing there - and not talking] (until they wondered what they were doing and I had been approached by a person of interest they had stopped and questioned about a Thug) the certain person was near me and near where we all were. They became the only person that knew the person who was no longer around but now the only ones that know (cup above)